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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,079

10/16/2003

Alberto Patarchi

163-511

9079

47888 7590 05/03/2007  
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EXAMINER

PRESTON, ERIK D

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/687,079

Applicant(s)

PATARCHI, ALBERTO

Examiner

Erik D. Preston

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,3-5 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Moeder et al. (US 4259623).

With respect to claim 1, Livings teaches an electric motor (Fig. 1, #4) with variable rotation speed comprising: A stator connected to at least one magnetic induction coil (Abstract); a rotor (Fig. 1, #4) on which are formed at least two magnetic poles each having opposite polarity (rotational electric motors inherently have at least two magnetic poles); said at least one coil being adapted to form on said stator at least two magnetic induction poles having an opposite polarity (again, rotational electric motors have at least two magnetic induction poles); and an adjusting device (as seen in Fig. 1) for adjusting said rotation speed of said rotor comprising an antijamming filter (Fig. 1, #2 & 3), characterized in that said antijamming filter comprises at least one portion of said magnetic induction coil (as seen in Fig. 1), said magnetic induction coil being divided into a first portion (Fig. 2, #1) and a second portion (Fig. 2, #1') connected to each other in series and said speed adjusting device is positioned between said first and second portions, but it does not explicitly teach all of said first portion, second portion and speed adjusting device being located inside a motor chassis. However, Moeder teaches a speed adjusting device and all of its associated circuitry being

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located within a motor chassis (Col. 6, Line 67-Col. 7, Line 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the speed adjusting device and its associated circuitry within a chassis such as is taught by Moeder because it provides a means for assembling a motor of the type as taught by Livings. It also would have been obvious to one of ordinary skill in the art at the time of the invention to mount the speed adjusting device of Livings in a motor chassis since it has been held that changing the position of an element of an invention is prima facie obvious in the absence of new or unexpected results (*In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

With respect to claim 3, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that said first and second portion are identical to each other (Page 4, Lines 18-32).

With respect to claim 4, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that said antijamming filter comprises an RC system (as seen in Fig. 1).

With respect to claim 5, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that said adjusting device comprises a phase shutting piloting circuit (Page 4, Line 40 - Page 5, Line 18).

With respect to claim 10, Livings in view of Moeder teaches the electric motor of claim 1, and Livings teaches that the motor is an asynchronous motor (Page 7, Line 12-Page 8, Line 3).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Moeder et al. (US 4259623) in view of applicant's own admitted prior art in the specification. Livings in view of Moeder teaches the motor of claim 1, but does not explicitly teach the adjusting device comprising a phase "chopper" piloting circuit. However, the applicant states that "chopper" circuits are well known in the art (Page 1, Line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings with a chopper circuit because it converts the negative half wave of the motor induction coil's alternating current supply to positive, and the duty cycle of this resultant signal can be adjusted to control the current flow which in turn controls the rotational speed of the motor (Applicant's specification Page 1, Line 20 – Page 2, Line 4).

Claims 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Moeder et al. (US 4259623) further in view of Enescu (GB 2134739 supplied by applicant).

With respect to claims 7 & 8, Livings in view of Moeder teaches the motor of claim 1, and Livings teaches that the adjusting device has an out-of-phase condenser, but does not teach that the adjusting device acts exclusively on a single part of a group of action windings in a single or multi-phase motor. However, Enescu teaches an adjusting device acting exclusively on a single phase of a group of action windings in a single (Fig. 1) or multi-phase (Fig. 2) motor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings in view of the adjusting device as taught by Enescu because it provides a means for

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suppressing radio interference in an apparatus driven by an electric motor (Enescu, Abstract).

### ***Response to Arguments***

Applicant's arguments filed 3/8/2007 have been fully considered but they are not persuasive.

In response to the applicants argument that Moeder does not teach all of the components of an adjusting device being located in the chassis of a motor, it is noted that this limitation is taught in: Col. 6, Line 67-Col. 7, Line 3.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



04/27/2007

KATH. TAMAI  
PRIMAR EXAMINER  
